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Docket ID No. EPA-R03-OW-2010-0736

<http://www.regulations.gov/search/Regs/home.html#submitComment?R=0900006480b54c95>

To Whom It May Concern:

The Pennsylvania Association of Conservation Districts (PACD) thanks the U. S. Environmental Protection Agency (US EPA) for the opportunity to comment on Docket ID No. EPA-R03-OW-2010-0736, the draft Chesapeake Bay TMDL. As is stated in the PA Water Implementation Plan (PA WIP), conservation districts are recognized as the primary staff for implementing Pennsylvania's agricultural programs. Among other programs, the conservation districts implement the Erosion and Sedimentation Control program and the Nutrient Management program. Without these dedicated local employees, the necessary "hands-on" technical assistance would not exist in Pennsylvania both in the Chesapeake Bay Watershed and the other watersheds throughout the Commonwealth. It is important to note the value of the conservation districts and to understand their importance when discussing nutrient reductions in Pennsylvania's waterways and ultimately water flowing into the Chesapeake Bay.

One of the top priorities for conservation districts is to assist landowners as they strive to comply with new and existing state and federal regulations concerning nutrient reductions. While recognizing the need for cost-effective and efficient nutrient planning, conservation district employees are the providers of technical assistance and a common sense approach to installing best management practices (BMP's). As a result, it is essential to provide adequate conservation district funding to provide a sufficient number of staff necessary for program success. Unfortunately, rather than increasing conservation district staff a recent employment history survey shows that out of the 58 conservation district responding, 32 have been forced to decrease their overall staffing levels for 2009 because of budgetary constraints. At the end of 2009 there were collectively 532 full or part time conservation district employees. By comparison, in 2010 conservation districts in PA employ a total of 485 full and part time workers, a reduction of 42 employees or nearly 10 percent of their total workforce. We recommend a Conservation District

Fund allocation of \$15 million annually to cover the workload required because of the additional responsibilities associated with Chesapeake Bay activities.

Funding for conservation districts must be accompanied with cost share financial assistance to the agricultural community. Installing BMP's can be extremely expensive and significant cost share funds must be appropriated on the state and federal level to the agricultural community as they plan and install BMP's to reduce nutrient runoff.

The U. S. EPA has discussed changing the Concentrated Animal Feeding Operation (CAFO) standards, making them more stringent. If that were to occur, additional, smaller farm operations would be classified as CAFO units. PACD strongly disagrees with this concept. Permitting a farm does not equate to more significant nutrient reductions, and could be counter-productive to our nutrient reduction goals making the concept not only unpractical, but inappropriate. Pennsylvania has more stringent regulations than any other state in the Chesapeake Bay watershed. A more sensible and realistic approach is to facilitate a concerted outreach program to the agricultural community concentrating on bringing all PA farms into compliance. To help meet this goal, PACD and the Natural Resource Conservation Service (NRCS) is developing, and will soon be implementing, a training program for conservation planning. A private consultant will work with us to facilitate a course entitled "Introduction to Conservation Planning." It is hoped that 60 to 90 conservation district staff, non-profit staff, consultants, state agency personnel, and extension employees will be participate in the program and then deliver direct conservation planning assistance to farm operators and rural landowners throughout Pennsylvania.

Through two pilot projects in Bradford County and Lancaster County, PA we have seen that voluntary BMP's are significantly reducing nutrients going into the Chesapeake Bay watershed. Unfortunately EPA has not given PA credit for these voluntary BMP's, nor has EPA given DEP direction on a verification process for tracking these reductions. These voluntary practices must be accounted for to accurately determine the amount of nutrient reductions coming from the Commonwealth. PACD recommends that EPA accept a verification process where ten percent of the voluntary practices reported are inspected by official personnel. This approach should satisfy EPA's concern of "reasonable assurance" in counting BMP's without overly taxing the personnel needed to verify the BMP's.

Nutrient trading should be an available tool for point and non-point pollution sources as they strive to reduce nutrients going into the Chesapeake Bay. Not only has PA produced at least 8 successful trades over the past 3 years, as recently as October 2010 PENNVEST conducted its first successful auction of credits. At that time, credits representing the annual removal of 21,000 pounds of nitrogen from the Susquehanna River watershed and the Chesapeake Bay over each of the next three years were sold. The PA Nutrient Trading program must be allowed to continue in its present form, without mandated changes from EPA.

In conclusion, PACD strongly advocates that PA, not EPA, develop and administer the PA nutrient reduction program including all goals and timelines. The plan must be flexible and there must be reasonable timeframes to for the agricultural community develop and update conservation plans bringing farms into compliance. With the proper funding for conservation districts and cost sharing opportunities for the agricultural community, PA can, and will successfully meet the nutrient reduction goals associated with EPA mandates.

Again, thank you for giving PACD the opportunity to comment on the draft EPA Chesapeake Bay TMDL.

Sincerely,

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